



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

[REDACTED]

PRELIMINARY RECITALS

Pursuant to a petition filed August 18, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Dane County Department of Human Services in regard to Medical Assistance, a hearing was held on September 29, 2015, at Madison, Wisconsin.

The issue for determination is whether the agency correctly calculated the petitioner's MAP premium at \$1,000 per month.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Dane County Department of Human Services
1819 Aberg Avenue
Suite D
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. Petitioner applied for MA and was determined eligible for the MAPP program with a monthly premium of \$1,000.

3. Petitioner receives income from her deceased husband's retirement in the amount of \$528.18.
4. Petitioner receives social security payments in the amount of \$1,423 gross with a \$1,319 net amount.
5. The agency budgeted total net income in the amount of \$1,847.18.
6. The agency determined that the appropriate premium for MAPP is \$1,000.

DISCUSSION

The Medicaid Purchase Plan ([MAPP](#)) is a subprogram of the Wisconsin Medicaid Program. It allows disabled adults who are working or want to work to become or remain Medicaid eligible, even if employed, since there are higher income limits. *MA Eligibility Handbook (MEH)*, §26.1, online at <http://www.emhandbooks.wi.gov/meh-ebd/>. Generally, individuals who are assessed a premium for MAP eligibility must make the assessed premium payment in a timely fashion or eligibility will be discontinued. In addition, an individual who leaves the MAPP program by not paying a premium is subject to a restrictive re-enrollment period. This means the individual cannot re-enroll in MAPP for six months from the date of termination. *MEH*, §26.6.1.

In general, a person can be eligible for MAPP if her countable income is less than 250% of the federal poverty level for one person. 250% of the FPL is \$2,452.08 and petitioner is eligible for the program because her countable income is less than that. See, *Medicaid Eligibility Handbook*, §26.4.2; § 39.5. However, persons with gross income in excess of 150% of the federal poverty level must pay a monthly premium. The 150% premium income limit for a one person MAPP household is \$1,471.25, as found by the agency. See, *Medicaid Eligibility Handbook*, § 26.5.1; § 39.5. Petitioner's gross income is \$1,847.18. From that \$1,847, the agency must deduct an \$836 standard living deduction to arrive at a 'premium net income.' See *Medicaid Eligibility Handbook*, § 39.4.2. In this case, petitioner's premium net income is \$1,012. A person with premium net income of \$1,012 must pay a monthly premium of \$1,000. See, *Medicaid Eligibility Handbook*, § 26.5.1; § 39.10.

The petitioner admitted that she was receiving the social security unearned income identified by the county agency, and she did not point to any errors in the computation of her gross or net income amounts. I have reviewed the agency's computations of the premium, and I can find no error. Rather, she questions why she is responsible to pay such a significant part of her monthly income toward her premium.

The answer is simply that the MAPP policies and law require this premium level for gross income after applicable disregards are considered. In the petitioner's case, the net result is exacerbated by the fact that her income stream is unearned income, so less is disregarded in the computations than would be if any of it was earned income. See, *Medicaid Eligibility Handbook*, § 26.5.1. In any event, I can find no error, and I must conclude that the agency correctly determined her premium of \$1,000

CONCLUSIONS OF LAW


The Department did not err in determining that petitioner is required to pay a \$1,000 premium as part of the MAPP program.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING


You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

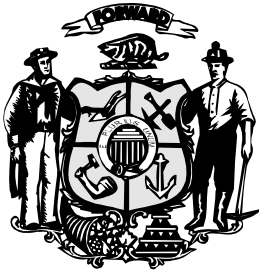
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 27th day of October, 2015

\sJohn P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on October 27, 2015.

Dane County Department of Human Services
Division of Health Care Access and Accountability